

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JUAN PEREZ,

Plaintiff,

v.

**COBB COUNTY and
THOMAS BASTIS**

Defendants.

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**CIVIL ACTION FILE NO.
1:16-CV-00902-SCJ**

**NON-PARTY SAFEPATH CHILDREN’S ADVOCACY CENTER’S
OBJECTION TO SUBPOENA TO PRODUCE DOCUMENTS, AND, IN
THE ALTERNATIVE, MOTION TO QUASH SUBPOENA
PURSUANT TO FED. R. CIV. P. 45(d)(3)**

COMES NOW, Non-Party, SafePath Children’s Advocacy Center (hereinafter “SafePath”), and objects to the subpoena requesting the producing of certain documents relating to a minor’s treatment at SafePath from 2012 through 2014.

The minor child at issue, GP, was seen at SafePath Children’s Advocacy Center. The circumstances surrounding GP’s treatment at SafePath was related to the allegations of child abuse. The subpoena requests:

all documents (files, notes, etc.) related to Amanda and Juan Perez’s daughter GP, who was treated at Safepath around 2012 through 2014. All communications with any government agencies, including law

enforcement, about GP, the Perezes, or both. All documents related to Amanda Perez, Juan Perez, or both.

SafePath Children's Advocacy Center objects to this subpoena on the grounds that the party seeking such information has not complied with the requirements of OCGA §§ 49-5-40 and 49-5-41.

O.C.G.A. § 49-5-40 reads that

(c) Each and every record concerning child abuse or neglect which is received by the department from the child abuse and neglect registry of any other state shall not be disclosed or used outside the department for any other purpose other than conducting background checks to be used in foster care and adoptive placements.

O.C.G.A. § 49-5-40(c).

O.C.G.A. § 49-5-41 provides that even with a subpoena, documents related to allegations of child abuse shall not be disclosed without an in camera review of the documents by the Court and an Order to produce said records.

(11) A court, by subpoena that is filed contemporaneously with a motion seeking records and requesting an in camera inspection of such records, may make such records available to a party seeking such records when:

(A) Such motion is filed;

(B) Such motion is served:

(i) On all parties to the action;

(ii) On the department or other entity that has possession of such records, as applicable; and

(iii) In matters other than a dependency proceeding or a civil proceeding wherein there is no related pending criminal investigation or prosecution of criminal or unlawful activity, on the prosecuting attorney, as applicable; and

(C) After an in camera inspection of such records, the court finds that access to such records appears reasonably calculated to lead to the discovery of admissible evidence.

O.C.G.A. § 49-5-41(a)(11).

As the subpoena was not accompanied by a motion for in-camera review, nor a Court order ordering the production of the records, SafePath objects to the production of the documents, until such time as the Court issues an Order, pursuant to O.C.G.A. § 49-5-41(a)(11).

Respectfully submitted, this 5th day of July, 2017.

LoRusso Law Firm, P.C.

/s Jill M. Irvin
Jill M. Irvin
Georgia Bar No. 202731
Attorney for SafePath Children's
Advocacy Center

1827 Powers Ferry Road
Building 8
Atlanta, Georgia 30339
770-644-2378
770-644-2379 (f)
jill@lorussolawfirm.com

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CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing pleading using the CM/ECF system that will automatically send email notification of such filing to the following attorneys of record:

Andre T. Tennille, III, Esq.
Via CM/ECF

This 5th day of July, 2017.

LoRusso Law Firm, P.C.

/s Jill M. Irvin
Jill M. Irvin
Georgia Bar No. 202731

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